

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

TIGARD ELECTRIC, INC., an Oregon)
corporation,)

Plaintiff,)

vs.)

HOWARD S. WRIGHT CONSTRUCTION)
CO., a Washington corporation; and)
FIDELITY & DEPOSIT COMPANY OF)
MARYLAND, a Maryland corporation; and)
ZURICH AMERICAN INSURANCE)
COMPANY, a New York corporation,)

Defendants.)

Case No. 05-1141-KI

ORDER

Bradley S. Copeland
Arnold Gallagher Saydack Percell
Roberts & Potter, P.C.
800 Willamette Street, Suite 800
Eugene, Oregon 97401

Attorney for Plaintiff

Michael P. Grace
Groff Murphy Trachtenberg & Everard PLLC
300 East Pine Street
Seattle, Washington 98122

Attorney for Defendants

KING, Judge:

Defendants' Motion to Dismiss Case, Motion to Compel Arbitration, and Motion for Attorney Fees (#13) is granted in part and denied in part. I compel arbitration on the first claim for relief for breach of contract. I stay the second claim for relief for recovery on the bond until 45 days after the arbitrator issues a determination on the first claim. I decline to award attorney fees but the parties may bring that issue to the arbitrator. Plaintiff is asked to file a status report by January 22, 2007, or sooner if the arbitration is completed. The pretrial order lodging date will be moved to February 28, 2007, to allow the court to track the case.

IT IS SO ORDERED.

Dated this 21st day of July, 2006.

/s/ Garr M. King
Garr M. King
United States District Judge